IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 31652 of 2007(R)

PETITIONER:

S.MOHAMMED BASHA, PROPRIETOR,
KABEER MOTORS, KARETTE, VAMANAPURAM P.O.
THIRUVANANTHAPURAM.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
ATTINGAL.

2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES PROVIDENT FUND
ORGANISATION, REGIONAL OFFICE,
BHAVISHYANIDHI BHAVAN, PATTOM, THIRUVANANTHAPURAM.

3. KERALA MOTOR TRANSPORT WORKERS WELFARE
FUND BOARD, REPRESENTED BY ITS EXECUTIVE
OFFICER, THIRUVANANTHAPURAM.

BY SRI.K.HARILAL, SC, KMTWWF
SMT.T.N.GIRIJA, SC FOR PF

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 31652 OF 2007 R
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Dated this the 25th day of October, 2007

J U D G M E N T

Petitioner seeks a declaration that the 1st respondent is not entitled to insist that the petitioner shall produce any clearance certificate or proof regarding remittance of contribution of the dues to the 3rd respondent. Since the establishment of the petitioner is covered under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, this court has already accepted such a contention in several cases and Ext.P4 is one of the judgments, where it has been held that the petitioner therein is entitled to exemption by virtue of the proviso to Section 4(1) of the Kerala Motor Transport Workers Welfare Fund Act. In this case, as is evident from Exts. P1 to P3, establishment of the petitioner is covered by the provisions of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, and that contributions have been paid up to date.

In view of the position as above, I dispose of this writ

petition directing the 1st respondent to permit the petitioner to remit Motor Vehicles Tax in respect of the vehicles owned and possessed by him, on production of proof that the petitioner has paid its dues to the 2nd respondent.

ANTONY DOMINIC, JUDGE.

Rp